

CHAPTER 12000 AGENCY LICENSING

CHAPTER 12000 AGENCY LICENSING----- 12-1

12100	INTRODUCTION-----	12-1
12110	Basic Practice Considerations -----	12-1
12120	Legislative Intent-----	12-1
12130	Licensing of Department Employees-----	12-1
12200	PRE-APPLICATION INFORMATION-----	12-1
12300	LICENSING AND RE-LICENSING -----	12-2
12310	Application-----	12-2
12320	Licensing Study -----	12-2
12330	Decision on Licensure/Certification-----	12-4
12340	Re-licensing/Re-certification -----	12-5
12350	Re-Evaluation -----	12-6
12400	COMPLAINT INVESTIGATION-----	12-7
12500	ACTION ON LICENSES/CERTIFICATION-----	12-7
12600	SUPPORT SERVICES FOR AGENCIES-----	12-9
12610	Training -----	12-9
12700	PLACEMENT ACTIVITIES -----	12-9
12710	Licenser Role -----	12-9
12800	FILE MAINTENANCE -----	12-11
12900	PUBLIC DISCLOSURE -----	12-11

12100 INTRODUCTION

12110 Basic Practice Considerations

- A. Chapter 74.15 Revised Code of Washington (RCW), and the Minimum Licensing Requirements (MLR) contained in Washington Administrative **CODE (WAC) 388-148**, , and chapters 388-160 WAC Overnight Youth Shelters constitute the basic practice guide for licensers of child placing agencies (CPA), rehabilitative treatment/group care facilities, crisis residential centers (CRC), maternity services, day treatment programs, staffed residential homes, and secure crisis residential centers. Chapter 388-145 WAC emergency respite centers (ERC) are also included in this category.
- B. These chapter contains complementary information and is primarily focused on out-of-home care licensing activity for regional licensers.

12120 Legislative Intent

- A. The legislature believes that children placed in foster care are particularly vulnerable and have a special need for placement in an environment that is stable, safe, and nurturing.
- B. The legislature believes that foster homes should be held to a high standard of care, and department decisions regarding denial, suspension, or revocation of foster care licenses should be upheld on review if there are reasonable grounds for such action.

Chapter 302, Laws of 1995, Section 1

12130 Licensing of Department Employees

- A. *CA Practices and Procedures Guide*, chapter 5000, section 5138, outlines conditions under which Children's Administration (CA) employees may be licensed as foster family home parents or certified as adoptive parents.
- B. See section 5138 for limitations on licensing of CA employees as foster parents or on their certification as adoptive parents and steps to follow in the licensing and certification process. The section also outlines the role of private child placing agencies

12200 PRE-APPLICATION INFORMATION

- A. Staff designated by the Regional Manager for the Division of Licensed Resources (DLR), Office of Foster Care Licensing (OFCL), provides information about children's agency licensing requirements, on-site feasibility studies, and assist agencies in the development of policies and procedures, upon request.
- B. The Regional Manager establishes procedures to give out forms and other

pertinent information, either at an interview or by mail. The application packet provided to the potential applicant includes those documents and materials prescribed by regional procedures.

12300 LICENSING AND RE-LICENSING

12310 Application

- A. The regional OFCL office receives and date-stamps applications for licensing or certification, with accompanying documents, from prospective licensees, according to regional procedure.
- B. Once the licenser has determined that the applicant has submitted a completed and signed application, the licenser records the application in CAMIS and conducts an on-site review and assessment and then makes a decision within 90 days of receipt of the application to approve or deny the license/certification.

12320 Licensing Study

The usual steps for processing an application are:

- A. The licenser or clerical person designated by regional procedure enters the application information into the Case and Management Information System (CAMIS) licensing module, makes up a file folder, and checks Division of Children and Family Services (DCFS), DLR, and local office records, including CAMIS, for prior involvement with the agency.
- B. The clerk or licenser mails out reference letters to the people designated by the applicant, with return envelopes stamped with the licenser's name.
- C. The licenser, or support staff, submits completed forms to perform a criminal background check, as outlined in Chapter 5000, section 5500. Background checks are to be completed for all persons age 16 and above, not placed by DCFS, residing in the facility. For applicants and/or their current or prospective employees or foster parents who have resided in the state less than three years, fingerprint checks must be completed. See section 5500 for steps to follow. The assigned staff completes a CA records check in CAMIS as part of the background check.
- D. Following receipt of the application packet, the licenser makes contact with the applicant to inform the applicant that the process has started and to coordinate a time-frame for a discussion of the proposed program. If the licenser makes initial contact by telephone, the licenser follows up with a letter to ensure that the applicant has the information in writing along with the licenser's name and telephone number for future use.
- E. Residential Care Facilities/Agencies
 - 1. The licenser completes an evaluation of the agency application and

proposed program, using a checklist appropriate to the licensing request: The DSHS 10-51B, *Checklist for Licensing or Certification of Group Care Facilities*; DSHS 10-51C, *Checklist for Licensing or Certification of Day Treatment Programs*; DSHS 10-51D, *Checklist for Licensing or Certification of Maternity Services*; DSHS 10-51E, *Checklist for Licensing or Certification of Child Placing Agency*.

2. The emergency respite center is a type of respite care for children potentially at risk of abuse and/or neglect. The nurseries serve children between birth through the age of 17 years, and are operated up to 24 hours a day. No child can remain in the facility for more than 72 hours at any one time.
 3. The licenser includes: a review of staff's education and training transcripts, reference letters, résumés and other required qualification documentation; a review of personnel policies and proposed staff training programs; a review of educational and vocational instruction; and a review of the proposed system for the development of social study and treatment plans.
- F. For residential facilities, the Department of Health (DOH) surveyor and the State Fire Marshal, or designee, must inspect and certify for occupancy prior to licensure.
- G. The licenser may require the applicant to furnish additional pertinent information.
- H. When a child placing agency (CPA) has proposed to practice in more than one region, that agency will seek a license in the region in which the main office is located. If a CPA wishes to have more than one license (adoptive and maternity), the agency must apply for all licenses through their main office licenser. A separate license is issued for each program category.
- I. An applicant agency planning to provide services in a region other than the one in which it is applying shall provide supplemental information regarding its intended practices in the other regions to the licenser, and to the regional office in each of the other regions in which it intends to operate, along with the application.
- J. Each agency is subject to visitation, evaluation, and monitoring of MLR by the licenser having jurisdiction in the area in which the agency is providing services.
- K. Agencies not required to be licensed must conform to MLR standards in order to be certified by DLR.
1. Agencies not required to be licensed are listed in RCW 74.15.020 (4).
 2. This list also includes an agency that provides housing and care to foreign children entering the U.S. for medical care and services.

3. If an agency chooses to serve this population only, they must provide DLR with a written program description and a statement they plan to limit their services to only host family resources for foreign children.
- L. Private CPAs, when evaluating family homes for licensing, are required to follow the licensing requirements in the *CA Practices and Procedures Guide*, chapter 5000, section 5100. CPA foster homes will be licensed by the regional licenser in the region in which the foster family resides. The CPA is required to monitor its own homes, with coordinated oversight of the monitoring and performance by the licensee provided by the licensers in the respective regions. Background clearances on all persons providing care or service in a region will be handled by the licenser in that region.

12330 Decision on Licensure/Certification

- A. All requirements of WAC 388-148 must be met before the DLR Regional Manager signs and issues the license/certification.
- B. Upon issuance of the license, the licenser or other designated staff records the license information in CAMIS.
- C. If the licenser determines that a person is disqualified from association with a child care agency for not meeting minimum licensing requirements of chapter 74.15 RCW and WAC 388-148, the DLR Regional Manager shall give written notice of disqualification to the person. The notice shall state the activities from which the person is disqualified, the reasons for the disqualification, and the applicable law under which the person is disqualified.
 1. The licenser applies the procedures contained in RCW 43.20A.205, regarding Denial, Suspension, Revocation, or Modification of License, when issuing a notice of disqualification to a person.
 2. A licensee under chapter 74.15 RCW may not allow a person disqualified under this section to associate with the licensee's agency. Disqualification of a person may not be contested by an applicant/licensee. However, the disqualified person may contest the disqualification.
 3. If a notice of disqualification of an individual is based on a Child Protective Services (CPS) finding of abuse and neglect, and after a fair hearing it is determined that the allegations are not supported by a preponderance of the evidence, the assigned social worker and licenser shall amend the records to so state.
 4. The Regional Manager, in accordance with WAC 388-06-190, may remove a disqualification based on conviction of a crime or another reason if the disqualified person demonstrates by clear, cogent, and convincing evidence that he or she is sufficiently rehabilitated to

warrant public trust and to comply with the requirements of chapter 74.15 RCW and WAC 388-148.

D. Administrative Approvals

1. Under the provisions of WAC 388-148-0085, EXCEPTIONS TO RULES, the Regional Manager may issue a time-limited administrative approval to specific requirements for a specific child, if the administrative approval does not jeopardize the child's health and safety and is not contrary to statutory provisions. With a documented, approved administrative approval, the license issuing authority may issue the license.
2. DLR shall maintain a log of administrative approvals by region and by type of administrative approval.

E. Initial License

1. Private Agencies and Group Care Facilities

- a. Only the DLR Office Chief, through the regional licenser, may, at his or her discretion, issue an initial license instead of a full license to an agency or facility (group care setting or child placing agency).
- b. The initial license may be issued for a period not to exceed 90 days, to allow the agency or facility reasonable time to become eligible for full license.
- c. Neither the Regional Administrator nor the Regional Manager may delegate responsibility for issuing an initial license to a CPS, CWS, or FRS child placement worker.

2. Foster Family Homes

- a. Initial licenses for foster family homes are issued for a period not exceed 90 days.
- b. See the *Practices and Procedures Guide*, chapter 5000, section 5133 for requirements regarding initial licensees for foster family homes.

12340 Re-licensing/Re-certification

- A. Re-licensing/re-certification occurs when the facility moves to a new location and at three year intervals following issuance of the initial license. The license/certification issued under chapter 74.15 RCW and section 12330 is not transferable and applies only to the licensee and the location stated in the application.
- B. Prior to expiration of an existing license or certification, the licenser or

support staff, as determined by regional procedure, sends a re-application form to the licensee sufficiently in advance of the expiration date of the license/certification to ensure return of the signed re-application and department action before the license expires. If the licensee submits a signed application before the expiration date, the old license/certification remains in effect until the department acts on the re-application. The licenser sends the forms and documents defined by regional procedures to the licensee as part of the re-application packet. The re-licensing/ re-certification needs to occur in a timely manner to ensure the health and safety of children in care.

- C. For renewal of a license or certification, the licenser rechecks the criminal history of licensee, staff, and volunteers and reviews the experiences, including services and incidents, of the past licensing/certification period with the licensee.
- D. The licenser conducts a site inspection to ensure continuing compliance with health and safety aspects.
- E. The licenser completes the *Checklist for Licensing or Certification*, DSHS 10-51 (B,C,D, or E).
- F. The licenser reviews applicant agency policies and procedures, evaluates the content of the staff training policy and plan, and reviews a representative sample of the agency's case files for the current licensing/certification period to evaluate documentation of case planning. In a residential program residents may be interviewed.
- G. At any time during licensure, the licenser may modify or change the numbers, ages, and types of children on the license/certification, depending on the circumstances and/or wishes of the licensee and the evaluation of the licenser.
- H. The DOH surveyor and the State Fire Marshal, or designee, inspects a facility to provide certification prior to re-licensure/re-certification.
- I. For agencies practicing in other regions, the licenser requests an assessment of the agency's compliance with MLR from the out-of-region licensers. This assessment includes a review of the licensed/certified agency's foster homes. Licensers from other regions are encouraged to participate and assist in the re-licensing/re-certification process. The licenser will take into consideration the findings and recommendations of the out-of-region licensers in reaching a decision for re-licensure/re-certification.

12350 Re-Evaluation

- A. The licenser re-evaluates the agency for suitability for continuing licensure or adjustment to the license, as well as effect on child(ren) in placement, under the following conditions:

1. If there is a change in management or social service staff.
 2. The facility changes location. See section 12340(A), above.
 3. There is a change in the classification of clients served.
- B. The licenser completes a criminal history and background check as described in chapter 5000, section 5500, on each new person having access to clients, interviews the licensee and other appropriate parties, and requests other information and documentation, as necessary, to complete the re-evaluation of the agency. The licenser documents the re-evaluation in the licensing file.
- C. The licenser or other designee records the new license information in CAMIS.

12400 COMPLAINT INVESTIGATION

- A. The local or other designated DLR office conducts investigations of alleged child abuse or neglect (CA/N) and alleged non-compliance with licensing standards in accordance with chapter 5000, section 5300, and the DLR Facility Investigators Guide, *Investigating Abuse and Neglect in State Regulated Care*. Each reportable incident is entered into the CAMIS Licensing Complaints Module in accordance with section 5300.
- B. The Regional Manager will develop standards/procedures for licensers to conduct assessments of allegations of failures to meet MLR that do not include child abuse or neglect. The standards will be consistent with chapter 5000, sections 5300 and 5400, of this manual.

12500 ACTION ON LICENSES/CERTIFICATION

- A. In those instances where an investigation has been completed and substantiation of CA/N has occurred and/or serious non-compliance with MLR has been verified (sometimes following unsuccessful corrective action measures), the licenser may take action against the license/certification.
- B. **Probationary License**
1. The licenser may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with an MLR requirement or has been the subject of multiple complaints or concerns about noncompliance if the following conditions apply:
 - a. The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue.
 - b. The licensee has a plan approved by the licenser to correct the

area of noncompliance within the probationary period.

2. A probationary license may be issued for up to six months and, at the discretion of the Licensor and supervisor, may be extended for an additional six months.
 3. The licensor and/or regional health and safety staff shall conduct site visits to facilities operating with a probationary license at a minimum quarterly to assure the continuing safety and well-being of children in care.
 4. The department shall immediately terminate the probationary license if, at any time, the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.
 5. An existing license is invalidated when a probationary license is issued.
 6. At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.
- C. The licensor staffs the case with founded CA/N and/or verified serious non-compliance with MLR (including those with unsuccessful corrective action measures) with involved DCFS and DLR staff, including the DLR CPS investigator, and appropriate supervisory and administrative personnel. The licensor formally informs all affected staff of corrective or stop placement actions.
- D. **Denial, Suspension, and Revocation**-When considering denial, suspension, or revocation of a license, the licensor confers with the Regional Manager and the assigned Assistant Attorney General (AAG) to determine appropriate action and prepares a draft denial, suspension, or revocation (as applicable) letter for review by the AAG. The draft letter includes:
1. A concise summary of the CPS allegations (if applicable), RCW and/or MLR violations, findings, and conclusions.
 2. Documentation of corrective action attempted, if appropriate.
 3. Detailed citation of all applicable RCW/MLRs violated.
 4. Complete information advising the licensee of their administrative hearing rights, including the filing process and time-frames.
- E. Upon approval as to form and content by the AAG and the Regional Manager, the Regional Manager, as the regional licensing authority, signs and sends the final letter by certified mail to the licensee.

- F. In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

RCW 74.15.130

12600 SUPPORT SERVICES FOR AGENCIES

The children's agency licenser is available to licensee agency staff to provide assistance and consultation on appropriate interpretation of RCW, WAC, and CA manual compliance.

12610 Training

- A. The children's agency licenser offers training and technical assistance on a regular basis to the agency executive director, board of directors, and/or the social service staff regarding the development and practice of the agency's policies and procedures consistent with RCW, WAC, and CA practice.
- B. The licenser advises a CPA director of Foster Parent Scope training resources available through CA and that private agency licensed foster homes are encouraged to attend.

12700 PLACEMENT ACTIVITIES

All activities relating to placement of children in out-of-home care are the responsibility of DCFS social workers.

12710 Licenser Role

- A. The licensing regulatory functions are designed to safeguard the well-being of children in out-of-home placements. Therefore, the primary duty of a licenser is to periodically review whether the applicant/licensee is in compliance with MLR.
- B. A secondary role of the licenser is that of a consultant and trainer.
- C. The regional office manages the roles of regulator and consultant/trainer within the same job description without conflict of interest under the following conditions:
 - 1. Each Regional Manager develops procedures which specifically outline how staff will carry out licensing and monitoring functions. Such procedures address at least:
 - a. Administrative approval process
 - b. Processing of Incident Reports;
 - c. Complaints/corrective actions;

- d. Shared decision-making;
 - e. Separation of functions for licensers;
 - f. Waiver processing and approval.
-
- 2. The local or other designated office conducts all investigations of incidents in licensed facilities in conformance with Chapter 5000, section 5300.
 - 3. The Regional Manager, within available resources, arranges for training for licensers and other affected staff specifically designed to provide increased expertise and ongoing clarification of job functions and expectations.
 - 4. The Regional Administrator and the Regional Manager are expected to maintain a complete separation of child welfare case services from licensing duties in all offices.
 - 5. The Regional Manager provides ongoing case consultation with each licenser to identify or eliminate any possible situations that could result in conflict of interest arising from the regulatory as opposed to placement issues.
 - 6. The licenser staffs all problematic licensed/certified agencies with applicable staff, which may include the following: the group care coordinator, the contracts coordinator, the DLR CPS investigator assigned to do incident reports, and the Regional Manager. The staffing considers, with other issues identified by the group, conclusions of the CPS or licensing investigation(s) and recommendations for corrective action. The staffing also considers the cumulative seriousness of multiple complaints.
 - 7. The licenser may request consultation with the AAG regarding proposed corrective actions resulting from serious MLR violations.
 - 8. The Regional Manager and the licenser thoroughly discuss and review all requests for exceptions and administrative approval, and compliance agreements for children's health and safety needs. Neither the licenser nor the Regional Manager shall endorse such a request if it compromises health and safety. They may seek administrative consultation on a case by case basis.
 - 9. If a serious issue is identified with a licensed/certified agency with or without a finding of abuse/neglect and a conflict occurs between the licenser of the agency and the social worker(s) for the child(ren) placed, the assigned supervisors for those staff must resolve the conflict, consistent with Chapter 5000, section 5100, of this manual. The

protection of the children involved is paramount to any other consideration.

12800 FILE MAINTENANCE

Each Regional Manager must ensure the maintenance of Children's Residential Agency Licensing files in accordance with record management requirements of Chapter 13000, section 13500.

12900 PUBLIC DISCLOSURE

For public disclosure requirements relative to licensing records, see Chapter 13000, section 13712.

